

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s) Siavash Alamouti, et al

Serial No. 09/594647

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Title Methods and Apparatus for use in Communicating Voice and High Speed Data in a Wireless Communication System

Attorney Docket No.: 1999-0342

COMMISSIONER FOR PATENTS
Patent and Trademark Office
WASHINGTON, D. C. 20231

DECLARATION OF FACTS UNDER 37 C.F.R. 1.47(a)

SIR:

I, Ann E. Taylor, hereby declare and say that:

1. I am the Outside Counsel Coordinator for AT&T Corp. and, as such, I am familiar with and have first-hand knowledge of the facts recited below.

2. The above-identified application was originally filed naming David James Ryan as a joint co-inventor.

3. After the application was filed, the joint inventor, David James Ryan, was unreachable and accordingly was unable to sign the Oath or Declaration as required under 37 C.F.R. 1.63.

4. The circumstances surrounding the inability to find or reach the joint inventor, David James Ryan, was that diligent effort was made to have David James Ryan sign the Oath or Declaration as required by 37 C.F.R. 1.63.

5. The exact facts which are relied upon to establish that a diligent effort was made to have the joint inventor David James Ryan sign the Declaration and Oath are as follows:

a) On July 19, 2000, I sent a correspondence via Airborne Express to the joint inventor David James Ryan, advising, that the above-identified application had been filed and requesting, to execute the Declaration and Power of Attorney form and Assignment and Agreement form. Included with the correspondence was a copy of the above-identified application with drawings, Declaration and Power of Attorney form and Assignment and Agreement form. (See attached Exhibit A). The package was returned by Airborne Express as "undeliverable" on July 27, 2000. (See attached Exhibit B).

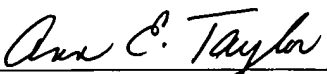
b) On August 13, 2000, I sent the correspondence of July 19, 2000, via U. S. Express Mail, to the joint inventor David James Ryan, advising, that the above-identified application had been filed and requesting, to execute the Declaration and Power of Attorney form and Assignment and Agreement form. Included with the correspondence was a copy of the above-identified application with drawings, Declaration and Power of Attorney form and Assignment and Agreement form. (See attached Exhibit C).

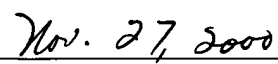
c) The U. S. Express Mail with the original correspondence and the attachments were returned back with the handwritten notation on the envelope "Moved, Return to Sender." (See attached Exhibit D).

d) I subsequently sent an e-mail to the Patent Coordinator for Mr. Ryan's former employer on July 27, 2000, asking if she knew of David Ryan's current address. Ms. Tarr replied by saying "Nope, the address I have is the same as what you have. Let me see if anyone here knows his new address." (See attached Exhibit E). No further response was received from Ms. Tarr.

6. Based on the foregoing sequence of events, and copies of the documentary evidence submitted herewith, the undersigned establishes that a diligent effort was made to find the inventor, David James Ryan.

7. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.


Ann E. Taylor
Outside Counsel Coordinator


Date